

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF BLUEGRASS WIRELESS	)	
LLC FOR ISSUANCE OF A CERTIFICATE OF	)	
PUBLIC CONVENIENCE AND NECESSITY TO	)	CASE NO.
CONSTRUCT A CELL SITE (SOMERSET SOUTH)	)	2005-00387
IN RURAL SERVICE AREA #6 (PULASKI) OF THE	)	
COMMONWEALTH OF KENTUCKY	)	

O R D E R

On October 14, 2005, Bluegrass Wireless LLC (“Applicant”) filed an application seeking a Certificate of Public Convenience and Necessity to construct and operate a wireless telecommunications facility. The proposed facility consists of a self-supporting antenna tower not to exceed 180 feet in height, with attached antenna, to be located at 1715 North Minton Road, Nancy, Pulaski County, Kentucky. The coordinates for the proposed facility are North Latitude 37° 1’ 54” by West Longitude 84° 37’ 23”.

The Applicant has provided information regarding the structure of the tower, safety measures, and antenna design criteria for the proposed facility. Based upon the application, the design of the tower and foundation conforms to applicable nationally recognized building standards, and a Licensed Professional Engineer has certified the plans.

Pursuant to 807 KAR 5:063, the Applicant has notified the County Judge/Executive of the proposed construction. The Applicant has filed applications with the Federal Aviation Administration (“FAA”) and the Kentucky Airport Zoning

Commission (“KAZC”) seeking approval for the construction and operation of the proposed facility. Both applications have been approved.

The Applicant has filed evidence of the appropriate notices provided pursuant to 807 KAR 5:063. The notices solicited any comments and informed the recipients of their right to request intervention. The Commission received a letter from Mr. Mike Whitaker of Industry Road Properties Trust dated October 12, 2005. In the letter, Mr. Whitaker expressed his concern with the placement of the proposed construction and its effects on several commercial rental buildings in the area. In addition, the Commission received a separate letter from Mr. Whitaker on behalf of Tri Whap Properties dated October 28, 2005. This letter was sent on behalf of property owners in the area. The Commission issued a response to Mr. Whitaker on November 3, 2005. Mr. Whitaker was given 10 days from the date of the Commission’s letter to request intervention or a hearing in this matter. The 10-day timeframe for Mr. Whitaker to file further response has passed, and the Commission has received no further correspondence regarding Mr. Whitaker’s interest in this matter.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds the Applicant has demonstrated that a facility is necessary to provide adequate utility service and that, therefore, a Certificate of Public Convenience and Necessity to construct the proposed facility should be granted.

Pursuant to KRS 278.280, the Commission is required to determine proper practices to be observed when it finds, upon complaint or on its own motion, that the facilities of any utility subject to its jurisdiction are unreasonable, unsafe, improper, or insufficient. To assist the Commission in its efforts to comply with this mandate, the

Applicant should notify the Commission if it does not use this antenna tower to provide service in the manner set out in its application and this Order. Upon receipt of such notice, the Commission may, on its own motion, institute proceedings to consider the proper practices, including removal of the unused antenna tower, which should be observed by the Applicant.

IT IS THEREFORE ORDERED that:

1. The Applicant is granted a Certificate of Public Convenience and Necessity to construct a wireless telecommunications facility. The proposed facility consists of a self-supporting antenna tower not to exceed 180 feet in height, with attached antenna, and is to be located at 1715 North Minton Road, Nancy, Pulaski County, Kentucky. The coordinates for the proposed facility are North Latitude 37° 1' 54" by West Longitude 84° 37' 23".

2. The Applicant shall immediately notify the Commission in writing, if, after the antenna tower is built and utility service is commenced, the tower is not used for a period of 3 months in the manner authorized by this Order.

Done at Frankfort, Kentucky, this 8<sup>th</sup> day December, 2005.

By the Commission

ATTEST:



Executive Director